

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 3, 6, 8-18, 22, and 23 are pending in the application, with claims 1, 22, and 23 being independent. Claims 2 and 4 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 22, and 23 are currently amended. No new matter has been added.

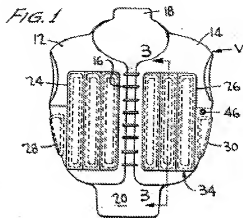
§ 102 REJECTIONS

Claims 1, 3, 6, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,500,472 (Castellani). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 1 has been amended for clarification.

Independent claim 1, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, and a second protective panel attached to the breast portion of the base fabric, a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to an inner forearm portion of each sleeve. Castellani fails to disclose or suggest such features.

Castellani is directed to football and baseball equipment having front panels 12 and 14 provided with flexible "pocket means" 24, 26, as shown in FIG. 1 (reproduced below). Supported by each of the pockets is an expandable cushioning unit 34 which, when expanded, substantially fills the pocket. The cushioning unit 34 includes a plate

member 40 formed from plastic, hard rubber or fiberglass. (Col. 3, lines 17-20, 33-36, and 53-58.)



However, Castellani fails to disclose or suggest a protective garment having “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to an inner forearm portion of each sleeve,” as presently recited in independent claim 1. In fact, Castellani fails to disclose a garment having any sleeves, let alone a garment having “a protective panel attached to an inner forearm portion of each sleeve,” as presently recited in independent claim 1. Accordingly, independent claim 1 is allowable over Castellani.

Dependent claims 3, 6, and 10 depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Individual consideration of each dependent claim is requested.

Claims 2 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,500,472 (Castellani). Claims 2 and 4 have been canceled herein without prejudice to or disclaimer of the subject matter recited therein, thereby rendering moot the rejection of those claims.

§ 103 REJECTIONS

Claims 11-18, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being obvious over Castellani in view of U.S. Patent No. 6,154,880 (Bachner, Jr.). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, claim 22 has been amended for clarification and claim 23 has been rewritten in independent form.

Dependent claims 11-18 depend from independent claim 1 and, therefore, include all of the features of that claim.

As discussed above, Castellani lacks features of independent claim 1, such as “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to an inner forearm portion of each sleeve.”

Bachner, Jr. is directed to a puncture resistant protective garment and was cited for its teaching of “ballistic panels being made of aramid fibers such as KEVLAR with different structural properties” (Office Action, page 4). However, Bachner, Jr. fails to remedy the deficiencies in Castellani noted above with respect to independent claim 1. In particular, Bachner, Jr. also lacks any disclosure or suggestion of a protective garment

having “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to an inner forearm portion of each sleeve,” as presently recited in independent claim 1.

Thus, claims 11-18 are allowable over Castellani in view of Bachner, Jr. (assuming, for the sake of argument, that they can even be combined) by virtue of their dependence from claim 1, as well as for the additional features that each recites.

Independent claim 22, as presently presented, is directed to a protective garment, and recites, among other things, a collar portion formed around the opening for the head; a pair of sleeves attached to the base fabric for receiving the person's arms; a protective panel attached to an inner forearm portion of each sleeve; at least one of pockets and loops attached to the front portion of the base fabric; and attachable and detachable structural members adapted to secure the bottom of the garment to a safety belt. Both Castellani and Bachner, Jr. lack many of these salient features.

As discussed above with respect to independent claim, Castellani lacks any sleeves, let alone a pair of sleeves having “a protective panel attached to an inner forearm portion of each sleeve,” as presently recited in independent claim 22. In addition, Castellani lacks any feature that could be said to be “a collar portion formed around the opening for the head” and “attachable and detachable structural members adapted to secure the bottom of the garment to a safety belt,” both of which are recited in independent claim 22 as presently presented.

Bachner, Jr. was cited for its teaching of “ballistic panels being made of aramid fibers such as KEVLAR,” but fails to remedy the deficiencies of Castellani noted above. Specifically, Bachner, Jr. also fails to disclose or suggest any feature that could be said to

be “a protective panel attached to an inner forearm portion of each sleeve,” “a collar portion formed around the opening for the head” and “attachable and detachable structural members adapted to secure the bottom of the garment to a safety belt,” both of which are recited in independent claim 22 as presently presented.

Accordingly, independent claim 22 is allowable over Castellani in view of Bachner, Jr. (assuming, for the sake of argument, that they can even be combined) for at least these reasons.

Independent claim 23 has been rewritten in independent form and as presently presented recites, among other things, protective panels comprising Zylon® fiber. Both Castellani and Bachner, Jr. lack such a feature. In fact, none of the cited documents even mentions using Zylon® fiber, let alone protective panels comprising Zylon® fiber.

Accordingly, independent claim 23 is allowable over Castellani in view of Bachner, Jr. (assuming, for the sake of argument, that they can even be combined).

Dependent claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being obvious over Castellani in view of U.S. Patent No. 5,247,707 (Parker et al.). This rejection is respectfully traversed.

Dependent claims 8 and 9 depend from independent claim 1 and, therefore, include all of the features of that claim.

As discussed above, Castellani lacks features of independent claim 1.

Parker et al. is directed to a utility vest with an integrally carried pack and was cited for its teaching of “loops (16) being attached to a front portion of a garment and having the bottom of the garment being attached to a safety belt (B) by loops (14)”

(Office Action, page 4). However, Parker et al. fails to remedy the deficiencies of Castellani noted above with respect to independent claim 1. In particular, Parker et al. also lacks any disclosure or suggestion of “a pair of sleeves attached to the base fabric for receiving the person's arms, and a protective panel attached to an inner forearm portion of each sleeve,” as presently recited in independent claim 1.

Thus, claims 8 and 9 are allowable over Castellani in view of Parker et al. (assuming, for the sake of argument, that they can even be combined) by virtue of their dependence from independent claim 1, as well as for the additional features that they recite.

CONCLUSION

For at least the foregoing reasons, claims 1, 3, 6, 8-18, 22, and 23 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

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